

December 9, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band* (WT Docket No. 07-293), *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band* (IB Docket No. 95-91)

NOTICE OF ORAL EX PARTE PRESENTATION

Dear Ms. Dortch:

I am writing pursuant to Section 1.1206(b)(2) of the Commission's Rules to notify the Commission that on Monday, December 8, 2008 Jennifer McCarthy and Kurt Schaubach of NextWave Broadband, Inc., Brian Benison of AT&T Inc., Ron Olexa of Horizon Wi-Com, LLC, Mary O'Connor of Wilkinson Barker and Knauer and I met on behalf of the WCS Coalition with Commissioner Deborah Taylor Tate to discuss the issues pending in the above-referenced proceedings regarding the coexistence of Satellite Digital Audio Radio Service ("SDARS") terrestrial repeaters and Wireless Communications Service ("WCS") wireless broadband systems in the 2305-2360 MHz band.

During the course of the meeting, the representatives of WCS Coalition reiterated its positions regarding the appropriate power levels for SDARS repeaters and WCS devices, and the appropriate WCS out-of-band emission limits necessary to provide protection to neighboring services. They stressed that while the proposed rules being considered by the Commission at the present time are hardly optimal for WCS operations, they represent a reasonable set of compromises that will assure all parties reasonable protection against interference under real world operating conditions. In addition, the WCS Coalition pointed out that any further delay in these proceedings is unnecessary, would delay the deployment of broadband services by the WCS Community and would make a further extension of the WCS buildout deadline unavoidable. Copies of the attached documents were provided to Commissioner Tate.

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Pursuant to Sections 1.1206(b) and 1.49(f) of the Commission's Rules, an electronic copy of this letter is being filed with the office of the Secretary. Should you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Counsel to the WCS Coalition

Attachments

cc: Commissioner Deborah Taylor Tate

2.3 GHz Bandplan

2305	2310	2315	2320	2324.2	2328.3	2332.5	2336.225	2341.285	2345	2350	2355	2360	2395
A BLOCK	B BLOCK	C BLOCK	Sirius SDARS	Sirius Repeaters	Sirius SDARS	XM SDARS	XM Repeaters	XM SDARS	D BLOCK	A BLOCK	B BLOCK	Aeronautical Telemetry and Associated Telecommand Operations	
5 MHz	5 MHz	5 MHz	4.2 MHz	4.1 MHz	4.2 MHz	3.725 MHz	5.06 MHz	3.715 MHz	5 MHz	5 MHz	5 MHz	35 MHz	



